

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/250,400	02/16/99	YAMASHITA	M 35.C13319

005514 MM41/0424  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

EXAMINER	
RAMSEY, K	
ART UNIT	PAPER NUMBER

2879

**DATE MAILED:** 04/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

18

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

Applicant's request filed on April 6, 2001 for a suspension of action at the time of the filing of a CPA under 37 CFR 1.103(c), is not deemed proper under either 37 CFR 1.103(c) or 37 CFR 1.103(b) due to failure to file the same at the time of filing the request for a CPA. Thus applicants' request is considered under 37 CFR 1.103(a) by the primary examiner as a requested suspension for cause. The reasons for suspension were not supplied in the request, however, a telephone interview with applicant's attorney was conducted on April 6, 2001 because the applicant had filed the CPA under the old practice wherein a box was checked indicating that additional papers would be filed and for the examiner to contact the attorney if the papers had not reached the examiner by the time of taking up the case for examination. In the course of the interview it was agreed (1) that applicants could have filed a request under 37 CFR 1.103(b) at the time of the filing of a CPA and (2) the fact that the box had been checked for the examiner to contact the attorney if additional papers have not been received could be construed as a request under 1.103(b) for a suspension of action until such papers are with the examiner or until the end of 3 months from the filing date of the CPA, (3) applicants needed more time to file the additional papers, and (4) under the above circumstances, the above faxed request when brought to the examiner's attention prior to any substantial effort to examine the CPA application as filed, could be construed as having been "filed with the request for an application filed under rule 1.153(d)". For those reasons, and since authorization had been present at the filing of this CPA for the Office to charge such fees as necessary, action by the Office is suspended on this application under 37 CFR 1.103(a) for a period of 3 months from the filing date of the CPA or until the papers are with the examiner whichever comes first. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Kenneth J. Ramsey  
Primary Examiner  
Art Unit: 2879